



SO ORDERED.

SIGNED this 22 day of April, 2019.

Stephani W. Humrickhouse

**Stephani W. Humrickhouse
United States Bankruptcy Judge**

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION**

IN RE:

**CHARLES FRANCIS RAMSBURG,
JAMIE LEE RAMSBURG**

CASE NO. 19-01394-5-SWH

CHAPTER 13

DEBTORS

**ORDER REGARDING FAILURE TO FILE APPLICATION TO PAY FILING FEE IN
INSTALLMENTS, FAILURE TO FILE MOTION FOR TEMPORARY WAIVER OF
CREDIT COUNSELING, AND FAILURE TO SIGN PETITION AND CERTIFICATION
OF MAILING MATRIX**

The matters before the court are the Order to Appear and Show Cause for Failure to File Application to Pay Filing Fee in Installments, the Order to Appear and Show Cause for Failure to File Motion for Temporary Waiver of Credit Counseling, and the Order to Appear and Show Cause for Failure to Sign Petition and Certification of Mailing Matrix issued by the court on April 5, 2019, Dkt. 22, 23, 24. A hearing was held on April 17, 2019 in Wilmington, North Carolina. The *pro se* debtors failed to appear at the hearing.

Charles Francis Ramsburg and Jamie Lee Ramsbury (collectively, the “debtors”) filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on March 28, 2019. Local Bankruptcy Rule 1007-1 requires that within 5 days after the commencement of the case, the debtors must pay the filing fee, file a motion for waiver of filing fee, or file an application to pay the filing fee in installments. The debtors failed to file an application to pay the filing fee in installments as required by E.D.N.C. Local Bankruptcy Rule 1007-1.

Local Rule 1007-1 also requires the debtors to file a certificate of the credit counseling agency within 5 days after the commencement of the case. On Official Form 101, Part 5, the debtors indicated that they were unable to obtain credit counseling services and that exigent circumstances merit a 30-day temporary waiver of the requirement. Official Form 101, Part 5 states that to request a 30-day temporary waiver, the debtors must “attach a separate sheet explaining what efforts [the debtors] made to obtain the briefing, why [the debtors] were unable to obtain it before [the debtors] filed for bankruptcy, and what exigent circumstances required [the debtors] to file this case.” The debtors have failed to file a motion for temporary waiver of credit counseling.

Additionally, pursuant to Bankruptcy Rule 1008, all petitions, lists, schedules, statements, and amendments should be verified or contain an unsworn declaration as provided in 28 U.S.C. § 1746. The petition and certification of mailing matrix were both signed by Jamie Lee Ramsburg; however, neither the petition nor the certification of mailing matrix was signed by Charles Francis Ramsburg.

Accordingly, the debtors are directed to file the following documents on or before **May 13, 2019**: (1) an application to pay the filing fee in installments; (2) a motion for temporary waiver of credit counseling; and (3) a copy of the petition and certification of mailing matrix signed by Charles Francis Ramsburg. Failure to file any of the required documents on or before **May 13, 2019** will result in dismissal of the debtors’ case without further notice or hearing.

END OF DOCUMENT